

Remarks

Claims 1-14 were pending.

Claims 3, 5 and 9 are original.

Claims 1, 2, 4, 6-8, 10, 13 and 14 are as previously presented.

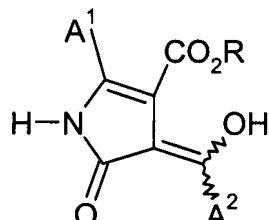
Claims 11 and 12 are cancelled.

The application now contains claims 1-10, 13 and 14.

The Examiner has asked Applicants to elect a single invention either from the list of exemplary groups on pages 3-5 of the present Action or another specific embodiment.

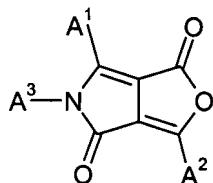
Applicants first need to point out that with the cancellation of claims 11 and 12, all remaining claims relate to a **process** for preparing compounds of formula I, not to the compounds per se. The contribution to the art is then not a novel compound, but a novel process whereby the conversion of compound II to compound I is enabled by the use of microwave radiation.

Applicants respectfully submit that US 5,808,094 as cited on page 5 of the Action is not relevant to the instant invention for two reasons; 5,808,094 does not relate to the features of the instant process, i.e., **microwave heating** in an inert solvent of compounds of formula II



(II), and

the instant process in each claim relates to the production or transformation of the initially produced furopyrroles of formula I



(I) whereas 5,808,094 relates only to transformation of diketopyrrolopyrroles.

In response to the Examiner's restriction requirement, Applicants respectfully elect with traverse the proposed Group of claims similar to Group IV proposed by the Examiner:

Claims 1-10, 13 and 14 in part drawn to the process of preparing a compound of formula (I) wherein A¹ and A² are each a carbocyclic aryl group and A³ is as defined in claim 1 excluding heteroaryl.

Should the Examiner refuse this election as too broad, Applicants offer to elect with traverse:

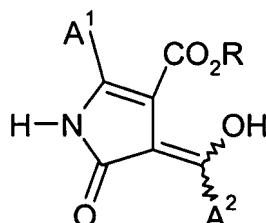
Claims 1-10, 13 and 14 in part drawn to the process of preparing a compound of formula (I) wherein A¹ and A² are each one of the carbocyclic aryl groups as defined in claim 4 and A³ is as defined in claim 1 excluding heteroaryl.

Should the Examiner refuse this second proposal, Applicants respectfully elect with traverse

Group IV proposed by the Examiner:

Claims 1-10, 13 and 14 in part drawn to the process of preparing a compound of formula (I) wherein A¹ and A² are each phenyl and A³ is as defined in claim 1 excluding heteroaryl.

Applicants however respectfully maintain that a restriction is in fact necessary in light of the cancellation of claims 11 and 12. WO03022848, the closest prior art document, discloses a process for the preparation of furopyrroles of the general formula I, comprising heating a compound of the general formula I, comprising heating a compound of the formula



(II) in an inert solvent,

wherein A¹ and A² have the same meaning as instant claim 1.

The process of the present invention is distinguished from that of WO03022848 in that the conversion of compound II to I is carried out under **microwave radiation**, which results in a higher yield of the compounds of formula I in a shorter reaction time.

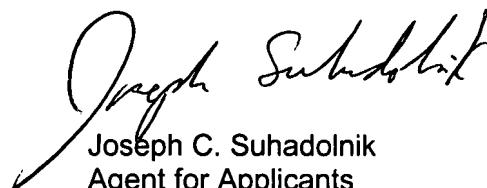
According to PCT unity of invention is present when there is a "technical relationship" among the claimed inventions involving one or more of the same or corresponding "special technical features." The expression "special technical features" means those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

Applicants respectfully aver that carrying out the reaction of compound II to compound I under **microwave radiation** is the special technical feature, which is common to all remaining claims and that the determination of contribution to the art is therefore not related to the specific substitution pattern of the compounds I. In other words, the general process and not the compounds themselves are the subject of the instant invention.

Applicants therefore kindly request that the Examiner rejoin material of process claims 1-10, 13 and 14 that are not included in the present election either at the present time or upon finding the elected claims allowable.

Consideration of the elected claims on their merits is respectfully awaited.

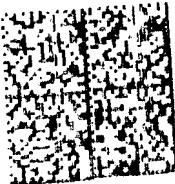
Respectfully submitted,



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AMENDMENTS

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